

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43700-2022 (O&M)

Date of decision: 19.04.2023

Doctor Amritpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr.Amjad Khan, Advocate for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

NAMIT KUMAR, J. (ORAL)

CRM-44678-2022

Application has been filed under Section 482 Cr.PC for placing on record the medical record of wife of the petitioner as Annexure P-4 with exemption from filing the certified copy of the same.

In view of the averments made therein, same is allowed. The same is taken on record. Office to tag the same at appropriate place.

CRM stands disposed of.

Main case

Learned State counsel has filed the status report dated 19.04.2023 which is taken on record. Copy thereof has been supplied to the counsel for the petitioner.

Petitioner is seeking regular bail in case of FIR No.39 dated 29.03.2022, under Sections 22 & 29 of Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short 'the Act'), registered at Police Station Dhanaula, District Barnala.

As per the case set up on 29.03.2022, police party acting upon a secret information apprehended Harjinder Singh and recovered 820 tablets of Tramadol and 180 tablets of Alprazolam. Charna Singh alias Tarna Singh was

named in disclosure statement as seller of the recovered contraband. After nomination the petitioner was arrested on 07.08.2022.

Learned counsel for the petitioner submits it is a case of false implication. No recovery was made from the petitioner. Petitioner is not involved in any other case under the Act.

Learned counsel for the petitioner has further submitted that the petitioner has been in custody since 07.08.2022 and the investigation is complete and the challan has been presented and there are as many as 16 prosecution witnesses out of whom, none has been examined and 3 have been given up and thus, the trial is likely to take time and the petitioner is not involved in any other case.

Per contra, learned State counsel while placing on record custody certificate opposes the prayer and on instructions he is not in a position to dispute the contention raised by learned counsel for petitioner that no recovery was made from the petitioner and he was named on the basis of disclosure statement of the co-accused, however, there is no other linking evidence against the petitioner. Learned State counsel further submits that investigation in the present case is complete; challan has been presented; charges have been framed and out of total 16 prosecution witnesses 03 have been given up and none has been examined as yet and the case is now fixed before the trial Court on 25.06.2023.

Learned State counsel submits that the petitioner is involved in two other following cases:

Sr. No.	Description
1.	FIR No.46 dated 24.06.2012 u/s 323/325/506/34 of IPC, PS Cheema, District Sangrur. (Acquitted)
2	FIR No.76 dated 18.05.2021 u/s 22/29/61/85 of NDPS Act, PS City-2, Mansa (Under trial)

To rebut the said contention learned counsel for the petitioner

submits that in the first case the petitioner has already been acquitted and the in the second case he has been enlarged on bail vide order dated 21.06.2021 by the Court of Ld. Judge, Special Court, Mansa.

Learned counsel for the petitioner has further relied upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced as under:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Learned counsel for the petitioner further submits that co-accused namely Charna Singh alias Tarna Singh has been granted concession of regular bail vide order dated 05.08.2022 in CRM-M-21993-2022 (Annexure P-2) and co-accused namely Harjinder Singh @ Jindu vide order dated 13.12.2022 in CRM-M-40010-2022 by Co-ordinate Benches of this Court.

I have heard the learned for both the parties at length and perused the record.

Keeping in view the custody of the petitioner which is 08 months 13 days; co-accused namely Charna Singh alias Tarna Singh and Harjinder Singh @ Jindu have been granted concession of regular bail; investigation is complete; challan has been presented; charges have been framed; out of total 16 witnesses 03 have been given up and none has been examined as yet; he has been nominated only on the basis of disclosure statement of the co-accused; no recovery has been effected from the custody of the petitioner and the trial is

likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

19.04.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No